

The Law Firm

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**MEMO ENDORSED**

October 26, 2017

Conference Re: protective order on Monday, Nov. 6, 2017  
@ 9:00 A.M. The Court will hear brief oral argument from counsel unless the parties wish to have the Court decide on the bases of their letters.

**SO ORDERED:**

**Date:** 10/31/17 **Richard M. Berman**  
Richard M. Berman, U.S.D.J.

Via ECF

Honorable Richard Berman  
United States District Judge  
Southern District of New York  
500 Pearl St., Courtroom 17B  
New York, NY 10007

Re: United States v. Zarbab, et al,  
Docket No. S4 15-CR-867 (RMB)

Dear Judge Berman:

Counsel for Defendant Mehmet Hakan Atilla respectfully submits this letter in response to the Government's letter of today to Your Honor concerning our request to have the Protective Order either modified or dissolved. Despite best efforts, and movement on both sides, we could not reach agreement (see attached Letter to Government dated October 24, 2017, Exhibit A).

The Protective Order was signed at the beginning of Mr. Atilla's participation in the case in order to avoid imposing on the Court's time, and with the intention of moving discovery forward. Both sides understood that it might be necessary to modify its terms as the case proceeded. We have done our best to work within its terms, but the Protective Order has seriously impaired our pretrial investigation and our ability to interview witnesses abroad and, thus, has hampered the defense. Moreover, with respect to the

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Government's claim that the Protective Order provides us with "a mechanism to show any part of the discovery with anyone with the Court's permission," we do not believe that calling the Court and giving notice to the Government from Turkey (which is seven hours ahead of New York time) under these circumstances is practical.

Please put this on the agenda for the next conference, which we hope will be scheduled soon in light of the in limine motions being filed on Monday.

Respectfully submitted,  
/s/ Cathy Fleming  
Cathy Fleming

cc: All counsel of record (via ECF)